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10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 NATIONAL LAWYERS' GUILD SAN
14 FRANCISCO CHAPTER, et al.,

15 Plaintiffs,

16 v.

17 U.S. DEPARTMENT OF HOMELAND
18 SECURITY, et al.,

19 Defendants.
20 _____/

No. C 08-5137 RS

**JOINT STATUS REPORT
AND STIPULATION TO EXTEND
TIME TO FILE BILL OF COSTS
AND/OR MOTION FOR ATTORNEY'S
FEES; AND [~~PROPOSED~~] ORDER**

21 WHEREAS, in an effort to narrow the issues before the Court,

22 1. The parties have entered into a series of stipulations to stay proceedings since April
23 24, 2009, to allow Defendants to conduct secondary searches and process potentially responsive
24 records, and to allow the parties to confer in an effort to resolve Plaintiffs' claims without the
25 Court's intervention. On October 30, 2009, as a result of those negotiations, Plaintiffs stipulated that
26 they did not contest the adequacy of the searches performed by Defendants DHS, DHS-OIG, or
27 CIS, or the propriety of the withholdings made by DHS-OIG; accordingly, pursuant to Rule
28

1 41(a)(1)(A)(ii), the parties filed a stipulation of dismissal of this action with prejudice with respect
2 to those Defendants. Negotiations continued with respect to the remaining Defendants: CBP,
3 EOIR, and ICE. Most recently, on June 1, 2011, the Court approved the parties' stipulations (a) to
4 further stay proceedings through and including August 31, 2011, and (b) to submit a joint report
5 advising the Court on the status of negotiations, and/or a stipulation proposing a schedule to govern
6 further proceedings, no later than August 31, 2011; and

7 2. As a result of those negotiations, Plaintiffs have stipulated that they do not contest
8 either the adequacy of the searches performed, or the propriety of the withholdings made, by CBP,
9 EOIR, and ICE. The parties now agree that all merits issues in this case have been resolved.
10 Accordingly, pursuant to Rule 41(a)(1)(A)(ii), the parties are simultaneously filing a stipulation of
11 dismissal of this action with prejudice with respect to all remaining Defendants; and

12 3. The parties are engaged in discussions about whether an award of attorney's fees
13 and costs is appropriate, and to that end, Plaintiffs have extended a proposal to Defendants. While
14 Defendants do not concede that Plaintiffs are entitled to recover any fees or costs in this case, and
15 reserve all rights to oppose any bill of costs or motion for attorney's fees, they are carefully
16 considering Plaintiffs' proposal. Under the local rules, any bill of costs or motion for attorney's fees
17 would ordinarily be due within 14 days after entry of judgment. See Civil L.R. 54-1(a), 54-6(a).
18 Although further negotiation may eliminate the need for judicial resolution of any dispute over fees
19 or costs, the parties anticipate that it will take several months for their negotiations to conclude; and

20 WHEREAS it would minimize litigation costs and conserve judicial resources to permit the
21 parties to attempt to resolve any dispute over fees or costs without the Court's intervention,

22 IT IS HEREBY AGREED AND STIPULATED by and between the parties, through
23 undersigned counsel, subject to the approval of the Court, that the deadline for Plaintiffs to file any
24 bill of costs and/or motion for attorney's fees shall be extended by approximately three months, to
25 September 30, 2011, notwithstanding any local rule to the contrary.

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27 //

28 //

Dated: June 29, 2011

Respectfully submitted,

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Attorneys for Plaintiffs

SIGNATURE ATTESTATION

In accordance with General Order 45(X), I hereby attest that I have obtained Lisa A. Davis's concurrence in the filing of this document.

/s/ Eric B. Beckenhauer
ERIC B. BECKENHAUER

[PROPOSED] ORDER

Pursuant to stipulation, it is hereby **ORDERED** that the deadline for Plaintiffs to file any bill of costs and/or motion for attorney's fees shall be extended to September 30, 2011, notwithstanding any local rule to the contrary.

SO ORDERED.

Dated: 6/30/11


RICHARD SEEBORG
United States District Judge